

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re : Chapter 13
: :
DANIEL GALLAGHER, : Bankruptcy No. 06-13789DWS
: :
Debtor. : :

ORDER

AND NOW, this 21st day of December 2006, upon consideration of the Motion of Old Gold , LLC (“Old Gold”) to Dismiss this Chapter 13 case;

And after notice and hearing at which the debtor Daniel Gallagher (“Gallagher”) testified that he had reached a settlement of all issues with Old Gold upon payment of \$325,000¹ by December 11, 2006;²

And the Agreement contemplating that all pending court actions against Old Gold by Debtor and 3 Ram be terminated with prejudice;

And the \$325,000 payment not having been made on December 11, 2006 or to date;

And Gallagher having testified that he can raise the additional \$165,000 from a new source by the end of business December 22, 2006;

¹ This includes \$160,000 held in escrow by the title company.

² The agreement is memorialized in a letter agreement dated October 16, 2006 (the “Agreement”). Exhibit M-1. The Gallagher/Old Gold disputes have been the driving force of this and prior bankruptcies filed by Gallagher and the related 3 Ram, Inc. (“3 Ram”)

And Old Gold agreeing to still accept \$325,000 consisting of the Escrow and \$165,000 in full settlement of all claims as though it was timely made in accordance with the Agreement provided payment of \$325,000 is made by the end of business December 22, 2006;³

And Old Gold further agreeing if payment is not made on December 22, 2006, it shall accept \$348,000 in full settlement of all claims provided payment of \$348,000 is made by the end of business January 2, 2007:

And this Order having been read to Gallagher, his counsel David A. Scholl, and Old Gold's counsel Allen Dubroff who stated they understood it, had no questions about it and agreed to its terms;

It is hereby **ORDERED** and **DECREED** that:

1. Old Gold shall release its liens on all assets of Daniel Gallagher and 3 Ram, Inc. upon payment of \$325,000 if paid by December 22, 2006 or upon payment of \$348,000 if paid by January 2, 2007;
2. Gallagher and 3 Ram shall immediately terminate all legal actions against Old Gold. This obligation is in consideration of Old Gold's agreement to compromise its claims and is not conditioned on the performance of paragraph 1.

³ In addition to securing the additional \$165,000, Gallagher shall be responsible for delivering the Escrow to Old Gold. Old Gold shall only release its liens on payment of the full \$325,000 consideration.

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3. This Chapter 13 case is **Dismissed with Prejudice.**⁴ There shall be no further bankruptcy petitions filed in this Court by either Daniel Gallagher or 3 Ram, Inc.

DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge

Copies to:

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Standing Chapter 13 Trustee
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⁴ Dismissal of the main bankruptcy case shall also affect a dismissal with prejudice of adversary nos. 06-0455, 06-0456 and 06-0457. The Clerk shall close all cases.